

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 :
 v. : 3:99-CR-0256
 : (JUDGE MANNION)
 RICHARD ALLEN WOLFE :
 :
 Defendant :

ORDER

For the reasons set forth in the Memorandum of this date, IT IS
HEREBY ORDERED THAT:

1. Defendant Wolfe's 28 U.S.C. §2255 motion to vacate, set aside or correct sentence, (Doc. 86), is **DISMISSED AS UNTIMELY.**¹
2. Defendant Wolfe's request for issuance of a certificate of appealability is **GRANTED** on the issue of whether a new right exists to challenge the mandatory Guidelines under the Due Process Clause so as to make Wolfe's motion timely under §2255(f)(3).

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Dated: March 26, 2018

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¹Wolfe's §2255 motion is dismissed without prejudice as the court specified in its Memorandum.